

MEMORANDUM


**OFFICE OF THE GOVERNOR
ARNOLD SCHWARZENEGGER**



ANDREA LYNN HOCH
Legal Affairs Secretary

DATE: June 22, 2009

TO: All Agency Secretaries

FROM: **ANDREA LYNN HOCH** 
Legal Affairs Secretary
Office of the Governor

RE: Waste Watchers Website and Whistleblower Protection Law

The Governor recently launched the Waste Watchers website, which allows individuals to report waste and abuse in state government, and to suggest solutions to make state government work better.

This memorandum summarizes the California Whistleblower Protection Act, and explains how it protects state employees who use the new website or other means to report problems in state government. You should distribute this memorandum widely to ensure that all employees under your agency – especially those who respond to reports from the Waste Watchers site – follow the letter and spirit of the whistleblower laws.

Here are the key points about California's Whistleblower Protection Act:

- It applies to any state employee, including individuals applying for state jobs.
- It protects state employees from retaliation for good faith disclosure of a condition that could threaten health or safety, or of "an improper governmental activity."
- "Improper governmental activity" includes any violation of law by a state body, or by a state employee while working in his or her official capacity. It also includes any state activity that is economically wasteful, or that involves gross misconduct, incompetency or inefficiency.
- State employees are protected from any sort of retaliation for whistleblowing, including intimidation, the denial of an appointment or promotion, a poor performance evaluation, or any other adverse action.
- Intentional violation of the Whistleblower Protection Act can result in a fine up to \$10,000, and imprisonment for up to a year.

Whistleblowing employees do not have immunity from layoffs or other employment actions that are unrelated to their disclosure of problems in state government. But the Administration will not tolerate any retaliation against state employees for reporting waste, abuse, or other problems in state government.

State employees can report retaliation to the State Personnel Board. Reports can be sent in writing to the Board at 801 Capitol Mall, MS53, Sacramento, California 95814, or by telephone to (916) 653-1613 or (800) 952-5665.

cc: Victoria Bradshaw, Cabinet Secretary, Office of the Governor
Paul Feist, Chief Deputy Cabinet Secretary, Office of the Governor